

## PRECINCT 3-2

# CASE SUMMARY

## CASE NO. 32-SC-15-00084

David Mack vs. Midland Credit Management, Inc.

§  
§  
§  
§
 Location: Precinct 3-2  
 Judicial Officer: Payton, John E.  
 Filed on: 03/11/2015

## CASE INFORMATION

File Date 03/11/2015

Case Type: Small Claims

Cause of Action  
Small Claims
 Description/Remedy  
 Action  
 \$41.00 Court Costs  
 \$1,500.00 Monetary

## DATE

## CASE ASSIGNMENT

## Current Case Assignment

Case Number	32-SC-15-00084
Court	Precinct 3-2
Date Assigned	03/11/2015
Judicial Officer	Payton, John E.

## PARTY INFORMATION

## Plaintiff

**Mack, David E**  
 7720 McCallum Blvd.  
 #2099  
 Dallas, TX 75252

## Defendant

**Midland Credit Management, Inc.**  
 8875 Aero Drive  
 Suite 200  
 San Diego, CA 92123

## DATE

## EVENTS &amp; ORDERS


## INDEX

03/11/2015

<b>Cause of Action</b>	Small Claims ()
Action Type	Action
Remedies Sought	Court Costs Monetary

**I CERTIFY THAT THIS DOCUMENT IS A TRUE AND CORRECT COPY OF THE RECORDS OF THE JUSTICE OF THE PEACE COURT PCT. THREE PLACE TWO OF COLLIN COUNTY, TEXAS AND THAT THE ORIGINAL DOCUMENT IS IN THE OFFICE OF THE COURT. TOTAL AMOUNT OF DOCUMENTS INCLUDED \_\_\_\_\_.**


03/11/2015

 Case Filed (OCA)

03/11/2015

 Receipts - Received Payment

03/18/2015

 CIVIL Citation Issued  
 to Plaintiff for private process ns

*Curma*  
 CLERK OF COURT  
 JUSTICE COURT PCT. 3-2  
 COLLIN COUNTY, TEXAS

## DATE

## FINANCIAL INFORMATION

**Plaintiff Mack, David E**  
 Total Charges  
 Total Payments and Credits  
**Balance Due as of 4/2/2015**

 41.00  
 41.00  
 0.00

**PETITION: SMALL CLAIMS CASE**

CASE NUMBER (Court Use Only):

32-8C-15-84Plaintiff(s): David E. MackAddress: 7720 McCallum Blvd. #2099

<u>Dallas</u>	<u>Texas</u>	<u>75252</u>	<u>972-735-9642</u>
City	State	Zip	Phone

VS.

**IN THE JUSTICE COURT**JUSTICE OF THE PEACE  
PRECINCT 3-2Defendant(s): Midland Credit Management, Inc.Address: 8875 Aero Drive, Suite 200

<u>San Diego</u>	<u>CA</u>	<u>92123</u>	<u>800-825-8131</u>
City	State	Zip	Phone

COLLIN COUNTY, TEXAS

**COMPLAINT:** The basis for the claim which entitles the plaintiff to seek relief against the defendant is:

Plaintiff received a call on his wireless phone on December 28, 2013 at 8:47 AM from the Defendant who used ATDS equipment to call his wireless phone number 682-560-1675 from 877-237-0512 without Plaintiff's express consent to do so in violation of the Telephone Consumer Protection Act (TCPA) 47 U.S.C. § 227 et. seq.

**RELIEF:** Plaintiff seeks damages in the amount of \$ 1500, and/or return of personal property as described as follows (be specific): \_\_\_\_\_, which has a value of \$ \_\_\_\_\_.  
Additionally, plaintiff seeks the following: all costs of this action including but not limited to, any attorney's fees.

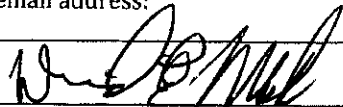
**SERVICE OF CITATION:** Service is requested on defendants by personal service at home or work or by alternative service as allowed by the Texas Justice Court Rules of Court. Other addresses where the defendant(s) may be served are:

Corporation Service Company d/b/a/ CSC - Lawyers Incorporating Service Company, 211 #. 7th St.

☐ If you wish to give your consent for the answer and any other motions or pleadings to be sent to your email address, please check this box, and provide your valid email address:

David E. Mack

Petitioner's Printed Name

  
Signature of Plaintiff or Attorney
7720 McCallum Blvd. #2099

Address of Plaintiff or Attorney

<u>Dallas</u>	<u>Texas</u>	<u>75252</u>
City	State	

972-735-9642  
Phone Number/Fax Number

**Defendant's Information (If known):**

Date of Birth: \_\_\_\_\_

Last 3 Numbers of Driver's License: \_\_\_\_\_

Last 3 Numbers of SSN: \_\_\_\_\_

Defendant's Phone Number: 800-825-8131

**FILED**  
MAR 11 PM 3:46  
JUSTICE COURT  
PRECINCT 3-2  
COLLIN COUNTY, TEXAS



## AFFIDAVIT OF MILITARY STATUS OF DEFENDANT(S)

CAUSE NUMBER: 32-SC-1584David E. Mack, PLAINTIFF §

VS. §

Midland Credit Manageme, DEFENDANT §

IN THE JUSTICE COURT

PRECINCT 3-2

COLLIN COUNTY, TEXAS

My name is [please print] David E. Mack

I am [check one] ☒ the plaintiff or ☐ an authorized agent of the plaintiff in the case described above. I am capable of making this affidavit. I have been duly sworn on oath and the facts in this affidavit are within my personal knowledge and are true and correct.

[check or fill in as applicable]

☐ 1. No defendant in this case is on active duty in the U.S. military (Army, Navy, Air Force, Marines or Coast Guard). The facts on which I base my conclusion are as follows:

The Defendant is a corporation and cannot serve in the U.S. Military

☐ 2. Defendant [insert name(s)] \_\_\_\_\_ is on active duty in the U.S. military.

☐ 3. Defendant [insert name(s)] \_\_\_\_\_ has been deployed by the U.S. military to a foreign country.

☐ 4. Plaintiff and the undersigned (if the undersigned is acting agent of plaintiff) are not able to determine whether any defendant is in the U.S. military - except for any defendant named in 2 above.

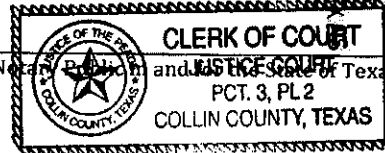
☐ 5. Plaintiff and the undersigned (if the undersigned is acting as an agent of plaintiff) are not able to determine whether any defendant who is in the U.S. military has been deployed to a foreign country - except for any defendant named in 3 above.

☐ 6. Defendant [insert name(s)] \_\_\_\_\_ has signed, while on active duty, a *separate written waiver* of his or her rights under the U.S. Servicemembers Civil Relief Act of 2003.

Affiant

Sworn to and subscribed before me on this the 11th day of March, 2015

(Judge) (Clerk)  
Justice Court, Precinct 3-2  
Collin County, Texas



FILED  
2015 MAR 11 PM 3:16  
JUSTICE COURT  
PCT. 3, PL 2  
COLLIN COUNTY, TEXAS

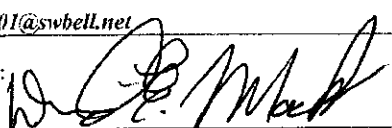
## JUSTICE COURT CIVIL CASE INFORMATION SHEET (4/13)

CAUSE NUMBER (FOR CLERK USE ONLY):

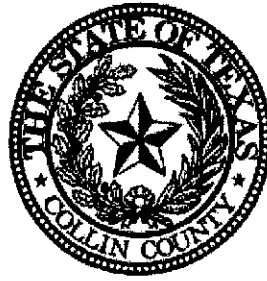
32-SC-15-84STYLED David E. Mack v. Midland Credit Management, Inc.

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition is filed to initiate a new suit. The information should be the best available at the time of filing. This sheet, required by Rule of Civil Procedure 502, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

<b>1. Contact information for person completing case information sheet:</b>		<b>2. Names of parties in case:</b>
Name:	Telephone:	Plaintiff(s):
<u>David E. Mack</u>	<u>972-735-9642</u>	<u>David E. Mack</u>
Address:	Fax:	Defendant(s):
<u>7720 McCallum Blvd. #2099</u>		<u>Midland Credit Management, Inc.</u>
City/State/Zip:	State Bar No:	
<u>Dallas TX 75252</u>		
Email:		
<u>mack2001@swbell.net</u>		
Signature:		[Attach additional page as necessary to list all parties]
		
<b>3. Indicate case type, or identify the most important issue in the case (select only 1):</b>		
<input type="checkbox"/> <b>Debt Claim:</b> A debt claim case is a lawsuit brought to recover a debt by an assignee of a claim, a debt collector or collection agency, a financial institution, or a person or entity primarily engaged in the business of lending money at interest. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	<input type="checkbox"/> <b>Eviction:</b> An eviction case is a lawsuit brought to recover possession of real property, often by a landlord against a tenant. A claim for rent may be joined with an eviction case if the amount of rent due and unpaid is not more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	
<input type="checkbox"/> <b>Repair and Remedy:</b> A repair and remedy case is a lawsuit filed by a residential tenant under Chapter 92, Subchapter B of the Texas Property Code to enforce the landlord's duty to repair or remedy a condition materially affecting the physical health or safety of an ordinary tenant. The relief sought can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	<input checked="" type="checkbox"/> <b>Small Claims:</b> A small claims case is a lawsuit brought for the recovery of money damages, civil penalties, personal property, or other relief allowed by law. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	

FILED  
 2015 MAR 11 PM 3:45  
 JUSTICE COURT  
 COLLEEN COUNTY, TEXAS

**OFFICIAL RECEIPT**

**Judge John E. Payton** Collin County Justice of the Peace Pct. 3-2 920 E. Park Boulevard,  
 Suite 210  
 Plano, Texas 75074  
 972-881-3051 \*www.collincountytx.gov

Payor  
 Mack, David E  
 7720 McCallum Blvd.  
 #2099  
 Dallas, TX 75252

Receipt No.  
**2015-0000953-JP32**

Transaction Date  
 03/11/2015

Description	Amount Paid
Mack, David E	
32-SC-15-00084	
David Mack vs. Midland Credit Management, Inc.	
Small Claims Filing Fee	41.00
<b>SUBTOTAL</b>	<b>41.00</b>
Remaining Balance Due: \$0.00	
32-SC-15-00085	
David Mack vs. Midland Credit Management, Inc.	
Small Claims Filing Fee	41.00
<b>SUBTOTAL</b>	<b>41.00</b>
Remaining Balance Due: \$0.00	
32-SC-15-00086	
David Mack vs. Midland Credit Management, Inc.	
Small Claims Filing Fee	41.00
<b>SUBTOTAL</b>	<b>41.00</b>
Remaining Balance Due: \$0.00	
32-SC-15-00087	
David Mack vs. Midland Credit Management, Inc.	
Small Claims Filing Fee	41.00
<b>SUBTOTAL</b>	<b>41.00</b>
Remaining Balance Due: \$0.00	

**PAYMENT TOTAL** **164.00**

Cash Tendered	164.00
Total Tendered	164.00
Change	0.00

03/11/2015  
 03:55 PM

Cashier  
 Station JP32001

Audit  
 4818198

**OFFICIAL RECEIPT**

**STATE of TEXAS  
CITATION**

**Cause No. 32-SC-15-00084**

**Return Citation To:  
Justice Court 3-2  
Judge John E. Payton  
920 E. Park Blvd., Ste. 210  
Plano, TX 75074**

<b>DAVID E MACK</b>	<b>§</b>	<b>IN THE JUSTICE COURT</b>
<b>VS.</b>	<b>§</b>	<b>PRECINCT 3, PLACE 2</b>
<b>MIDLAND CREDIT MANAGEMENT, INC.</b>	<b>§</b>	<b>COLLIN COUNTY, TEXAS</b>

THE STATE OF TEXAS TO MIDLAND CREDIT MANAGEMENT, INC., DEFENDANT, in the hereinafter-styled and numbered cause:

**You have been sued. You may employ an attorney to help you in defending against this lawsuit. But you are not required to employ an attorney. You or your attorney must file an answer with the court. Your answer is due by the end of the 14th day after the day you were served with these papers. If the 14th day is a Saturday, Sunday, or legal holiday, your answer is due by the end of the first day following the 14th day that is not a Saturday, Sunday, or legal holiday. Do not ignore these papers. If you do not file an answer by the due date, a default judgment may be taken against you. For further information, consult Part V of the Texas Rules of Civil Procedure, which is available online and also at the court listed on this citation.**

Citation Placed in the Hands of: **Plaintiff for private process**

Type of Case: **Small Claims**

**STYLE**

**Plaintiff**

**DAVID E MACK**

**7720 McCallum Blvd**

**#2099**

**Dallas TX 75252**

**Represented By:**

**, attorney**

**Defendant**

**MIDLAND CREDIT MANAGEMENT,  
INC.**

**8875 Aero Drive**

**Suite 200**

**San Diego CA 92123**

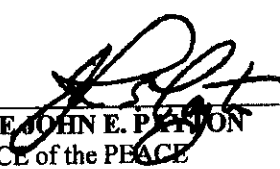
**By Serving:**

This citation is issued pursuant to a petition filed by the above-named plaintiff on March 11, 2015.

Your answer may be filed with this Court, at 920 E. Park Boulevard, Suite 210, Plano, Texas, 75074.

ISSUED this the 18th day of March, 2015.



  
\_\_\_\_\_  
**JUDGE JOHN E. PAYTON**  
JUSTICE of the PEACE  
PRECINCT 3, PLACE 2  
COLLIN COUNTY  
920 E. PARK BLVD., STE. 210  
PLANO, TEXAS 75074  
(972) 881-3180